

State of California

# **Trial Court Revenue Distribution Guidelines**

## **Urgency Legislation**

Revision 28 Addendum #1  
Amendments after January 1, 2018



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This Addendum to the **Trial Court Revenue Distribution Guidelines Revision 28** provides direction on specific urgency legislation pertaining to the distribution of fines, fees, forfeitures, penalties, and assessments that have been amended after *January 1, 2018*, and should be used in concurrence with Revision 28. Statutory codes may be modified by the legislature after this date. Current code may supersede any guidelines provided in this document.

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## Legend

Abbreviation	Code	Abbreviation	Code	Abbreviation	Code
B&P	Business and Professions	F&G	Fish and Game	PC	Penal
CC	Civil Code	F&A	Food and Agriculture	PRO	Probate
CCP	Code of Civil Procedure	GC	Government	PRC	Public Resources
CORP	Corporations	H&N	Harbors and Navigation	R&T	Revenue and Taxation
ED	Education	H&S	Health and Safety	VC	Vehicle
ELEC	Elections	IC	Insurance	WC	Water
FC	Family Code	LC	Labor	W&I	Welfare and Institutions

## How to Use the Trial Court Revenue Distribution Guidelines

The **Trial Court Revenue Distribution Guidelines** (Guidelines) consist of nine distribution tables that provide guidance on the distribution of trial court revenues that are required by California code. Each table is preceded with a narrative that identifies the code section within the table, as well as any special rules or background that may apply. The purpose of the narrative is to provide guidance to questions that may arise when working with the code sections within the table; the narrative may also apply to code sections in other tables. While a few tables have additional specialized columns, the basic organization and the definition of terms used in the tables are shown below.

**Note: This Addendum to Revision 28 contains only those tables and code sections, which have been added or amended after January 1, 2018. Please see Revision 28 for the complete Trial Court Revenue Distribution Guidelines, effective January 1, 2018.**

<b>Code Section</b>	The California code section, with a descriptive title. Each code section will be cited using the legend above for the code, followed by the section number. For example, PC 1464 refers to Penal Code section 1464.
<b>Violation/Situation</b>	The California code under which the conviction occurred (unless the code is the same as the distribution code) and/or a description of the situation that resulted in the charge.
<b>Arresting Officer/Jurisdiction</b>	The jurisdiction of the arresting officer (“city” versus “county”) is included when relevant for distribution purposes.
<b>Distribution</b>	The entity or entities to which the revenue is distributed (state, county, city, other agency, or victim) and the percentages of and/or conditions for the distribution. <b>References to “city”, “county”, “state”, or similar entities refer to the treasury of the entity in question unless otherwise specified.</b>
<b>Applicable Fund</b>	The fund <b>or account</b> to receive the distribution, as designated in the statute. “Not specified” means no specific fund is designated in the statute; the general fund of the receiving agency is the default fund in such cases.
<b>Fund Use</b>	The use of funds as restricted in the statute. “Not specified” means that a use is not specified in the statute.
<b>Priority of Installment Payments</b>	Court-ordered installment payments are disbursed according to the priorities set by PC 1203.1d. For more information, see page 5.

## Resources and Terminology

### Resources

The California Legislative Information website, <http://leginfo.ca.gov/>, provides information on California's bills and laws. The website also provides tools to help users track bills going through the legislative process that may affect them if they are enacted. While the Guidelines provide direction to help understand specific code sections, the State Controller's Office (SCO) highly recommends that users read the entire code section to have a complete understanding of the law.

### Terminology

**"Base fine enhancements"** are additional monetary sanctions that are added to the "base fine" equaling the "total base fine". For example, monetary sanctions pursuant to H&S 11372.5 and H&S 11372.7 add to the "base fine".

The **"chapter date"** is the date when the Governor signs a bill into law and the Secretary of State assigns the bill a chapter number which subsequently may be used to refer to the measure.

**"City arrest"** means an arrest by an employee of a city, or by a California Highway Patrol officer within the limits of a city. "City" includes any city; city and county; district, including any enterprise special district, community service district, or community service area engaged in police protection activities pursuant to PC 1463(b).

**"County arrest"** means an arrest by a California Highway Patrol officer outside the limits of a city, or any arrest by a county officer or by any other state officer. Any arrest that is not a city arrest is a county arrest.

The **"effective date"**, as specified by the Constitution, is the date when a law takes effect. The date is usually January 1 of the following year, unless the bill is an urgency measure or specifies another date.

**"Fees"** are monetary amounts paid by the defendant that are usually administrative in nature and are used to reimburse for services provided in statute.

**"Fines" or "base fines"** are the monetary sanctions, set by statute, for committing a criminal violation.

**"Forfeiture"** is the loss of money or property through seizure. For example, a defendant may post bail in order to be released from jail and to ensure their presence in court at a later date. If the defendant does not appear before the court when ordered, their bail may be forfeited. The "forfeiture" would then be distributed as stated in statute.

### Terminology

The difference between **“mandatory”** vs. **“discretionary”** language is whether or not compliance must be met with the law. “Mandatory” means it is required by law. Statute will include language such as: shall, must, or will. “Discretionary” means it is optional. Statute will include language such as: may or should. It is important to read legislation very carefully to determine whether the law is mandatory or discretionary.

The phrase **“notwithstanding any other provision of law”**, is used in legislation to preclude that code section from being affected by any other code section. Code sections often interact with other code sections and to prevent unwanted changes to the meaning, legislators use the phrase to ensure the code section is interpreted exactly how it is written.

**“Penalties”**, **“additional penalties”**, and **“penalty assessments”** are monetary sanctions imposed in addition to “fines” and often have a calculation associated with the amount to assess, but not always.

**“Restitution fines”** are monetary sanctions to compensate the victim of a crime who incurs an economic loss because of the commission of a crime directly from the defendant convicted of that crime. “Restitution fines” shall not be subject to penalty assessments authorized in PC 1464 or Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, or the state surcharge authorized in PC 1465.7, and shall be deposited in the Restitution Fund in the State Treasury. Interest may not be assessed on “restitution fines.” However, the board of supervisors of a county may impose a fee to cover the actual administrative cost of collecting the restitution fine, not to exceed 10 percent of the amount ordered to be paid, to be added to the restitution fine and included in the order of the court. The proceeds of the actual administrative cost shall be deposited in the general fund of the county pursuant to PC 1202.4(l).

**“Restitution orders”** are assessed in every case in which a victim has suffered economic loss because of the defendant’s conduct. The court shall require that the defendant make restitution to the victim or victims in an amount established by court order, based on the amount of loss claimed by the victim or victims or any other showing to the court. Interest may be assessed on “restitution orders” at the rate of 10% per annum pursuant to PC 1202.4(f)(3)(G). Pursuant to PC 1203.1(l), if the court orders restitution to be made to the victim, the entity collecting the restitution may add a fee to cover the actual administrative cost of collection, but not to exceed 15 percent of the total amount ordered to be paid. The amount of the fee shall be set by the board of supervisors if it is collected by the county and the fee collected shall be paid into the general fund of the county treasury for the use and benefit of the county. The amount of the fee shall be set by the court if it is collected by the court and the fee collected shall be paid into the Trial Court Operations Fund or account established by GC 77009 for the use and benefit of the court.

**“State and local penalties”** are PC 1464, GC 70372, GC 76000, GC 76000.5, GC 76104.6, and GC 76104.7. These code sections are levied upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, including, but not limited to, all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code.

**“State surcharge”** is an amount equal to 20% that is levied on the “total base fine” pursuant to PC 1465.7 and distributed to the State General Fund.

### Terminology

**“Total base fine”** is the sum of the “base fine” plus the “base fine enhancements”. It is the starting point to which the state and local penalties, the 2% deposit for automation, and the state surcharge are calculated upon.

**“2% deposit for automation”** is a distribution pursuant to GC 68090.8, and not an additional “fine” or “fee”. GC 68090.8 requires that 2% of all fines, penalties, and forfeitures collected in criminal cases, be remitted to the State Trial Court Improvement Fund (Improvement Modernization Fund) to finance court administrative automation projects.

The phrase **“X dollars for every ten dollars (\$10), or part of ten dollars (\$10)”** is commonly used in many code sections that outline “penalties”, “additional penalties”, and “penalty assessments”. To calculate the proper dollar amount, take the base fine and divide by 10. If the number is a whole number, then it is used to calculate the penalty. If the number is not a whole number, then it is rounded up to the next whole number and then used to calculate the penalty.

For example, GC 76104.7(a) states: “Except as otherwise provided in this section, in addition to the penalty levied pursuant to Section 76104.6, there shall be levied an additional state-only penalty of four dollars (\$4) for every ten dollars (\$10), or part of ten dollars (\$10), in each county upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code.”

1. To calculate this penalty with a base fine of \$30, take the base fine and divide by 10, which gives a factor of 3. Take the factor of 3 and multiply it by the \$4 assessed for every \$10 or part of \$10 assessed in this code section, which equals \$12.

Answer: \$12 is the amount to be collected on a \$30 base fine for this code section.

2. If the base fine was instead \$31, take the base fine and divide by 10, which gives a factor of 3.1. Take the factor of 3.1 and round up to 4 (always round up to the next whole number). Take the factor of 4 and multiply it by the \$4 assessed for every \$10 or part of \$10 assessed in this code section, which equals \$16.

Answer: \$16 is the amount to be collected on a \$31 base fine for this code section.

## Table 8 — Civil Fine and Penalty Distributions

Table 8 includes administrative or civil penalties and fines. Because they are not criminal, state and local penalties (PC 1464, GC 70372, GC 76000, GC 76104.6, and GC 76104.7), the 2% deposit for automation (GC 68090.8), and the state surcharge (PC 1465.7) do not apply to the fines and penalties in this table.

**Table 8**  
**Civil Fine and Penalty Distributions**

CODE SECTION	VIOLATION/SITUATION	DISTRIBUTION	APPLICABLE FUND	FUND USE/SPECIAL PROVISION
GC 4216.6 – Civil Penalty; Regional Notification Center System – Excavation/Operator Subsurface Installation Violation  <i>Effective June 27, 2018</i>	Violation of GC 4216 – 4216.24 by an excavator or operator who negligently violates this article is subject to a civil penalty not to exceed \$10,000; or who knowingly and willfully violates this article is subject to a civil penalty not to exceed \$50,000	<i>If the Attorney General brings the action:</i>		
		100% to the State.	General Fund.	Not specified.
		<i>If a district attorney brings the action:</i>		
		100% to the County.	General Fund.	Not specified.
		<i>If a city attorney brings the action:</i>		
		100% to the City.	General Fund.	Not specified.
		<i>If more than one agency brings the action:</i>		
		Apportion among the agencies in a manner that offsets relative costs.	General Fund	Not specified.



## Table 9 — Civil Fee Distributions

Table 9 reflects civil fees, which are civil filing, and reporting fees, and other fees not related to criminal conduct. The Uniform Civil Fees and Standard Fee Schedule Act of 2005 (Chapter 75, Statutes of 2005) establishes a uniform schedule of civil filing and other civil fees. Government Code section 68085.1(b) requires each superior court to deposit all fees and fines listed in subdivision (a), as soon as practicable after collection and on a regular basis, into a bank account established by the Administrative Office of the Courts (AOC), now known as the Judicial Council (JC). The Judicial Council will further distribute portions of these fees to the county, trial courts, and to the SCO for distribution to the proper State funds.

**Table 9  
Civil Fee Distributions**

CODE SECTION	VIOLATION/SITUATION	BANK ACCOUNT GC 68085.1	DISTRIBUTION	APPLICABLE FUND	FUND USE/ SPECIAL PROVISION
<b>CCP 384 – Unclaimed Class Action Judgements</b>  <b>Amended June 27, 2018</b>	Unpaid cash residue or unclaimed or abandoned class member funds, generally attributable to California residents, plus accrued interest, resulting from a class action judgment, unless for good cause the court finds an alternative distribution would better serve the public interest or the interest of the class.	No	100% to one or more of the following:	Nonprofit organizations or foundations.	Projects that benefit the class or similarly situated persons, further the objectives and purposes of the underlying class action or cause of action, or promote the law consistent with the purposes or objectives of the underlying class action or cause of action.
				Child advocacy programs.	Not specified.
				Nonprofit organizations providing civil legal services to the indigent.	Not specified.
<b>CCP 491.150 — Proper Court for Examination Fees</b>  <i>(See GC 70617)</i> <b>\$60 fee effective from June 27, 2012 – June 30, 2023</b>	\$60 filing fee if the plaintiff seeks an examination of a person before a court other than the court that issued the writ.	Yes	100% to the State.	Trial Court Trust Fund.	To fund trial court operations.
<b>CCP 704.750 — Application for Order of Sale Filing; Fee</b>  <i>(See GC 70617)</i> <b>\$60 fee effective from June 27, 2012 – June 30, 2023</b>	\$60 filing fee for order for sale of a dwelling, if the judgment was rendered in another county.	Yes	100% to the State.	Trial Court Trust Fund.	To fund trial court operations.
<b>CCP 708.160 — Filing Abstract of Judgment from a Court of Another County; Fee</b>  <i>(See GC 70617)</i> <b>\$60 fee effective from June 27, 2012 – June 30, 2023</b>	\$60 fee for filing an Abstract of Judgment from another court while seeking examination of a person.	Yes	100% to the State.	Trial Court Trust Fund.	To fund trial court operations.
<b>GC 70602.6 — Supplemental First Paper Fee</b>  <i>In addition to GC 70602.5</i>  <b>Fee effective from June 27, 2012 – June 30, 2023</b>	\$40 fee added to \$355 fee for filing first paper under GC 70611, 70612, 70650, 70651, 70652, 70653, 70655, 70658, and 70670.	Yes	See GC 68085.3 and 68086.1, as applicable.	See GC 68085.3 and 68086.1, as applicable.	See GC 68085.3 and 68086.1, as applicable.

**Table 9**  
**Civil Fee Distributions**

CODE SECTION	VIOLATION/SITUATION	BANK ACCOUNT GC 68085.1	DISTRIBUTION	APPLICABLE FUND	FUND USE/ SPECIAL PROVISION
<b>GC 70616 — Complex Case Fee</b>  <i>Fee raised from \$550, with a maximum total fee raised from \$10,000</i> <i>June 27, 2012 -- June 30, 2023</i>	\$1000 complex case fee in addition to the first appearance fees required under GC 70611, 70612, 70613, or 70614, for a case designated as a complex case as specified in the California Rules of Court. The total complex fee collected from all defendants, interveners, respondents, or other adverse parties cannot exceed \$18,000.	Yes	100% to the State.	Trial Court Trust Fund.	To fund trial court operations.
<b>GC 70617(a) — Motion Fee</b>  <i>Fee raised from \$40</i> <i>June 27, 2012 -- June 30, 2023</i>	\$60 fee for filing a motion, application, or any other paper requiring a hearing, as specified.	Yes	100% to the State.	Trial Court Trust Fund.	To fund trial court operations.
<b>GC 70657 — Filing Fee; Subsequent Paper in Probate Court</b>  <i>Fee raised from \$40</i> <i>June 27, 2012 -- June 30, 2023</i>	\$60 filing fee for motions, applications or other papers requiring a hearing subsequent to the first paper as specified under the Probate Code, other than a petition or application or opposition described in GC 70657.5 & 70658; petitions for temporary letters of conservatorship or guardianship, or petitions filed subsequent to issuance of such temporary letters, objections or other opposition to such petitions.	Yes	100% to the State.	Trial Court Trust Fund.	To fund trial court operations.
<b>GC 70662 — Filing Fee; Special Notice</b>  <i>Effective from January 1, 2014 – January 1, 2024</i>	\$40 fee for special notice pursuant to PRO 1250, 2700, and 17204.	Yes	100% to the Court.	Not Specified.	Not Specified.
<b>GC 70677(a) — Motion Fee in Family Law Cases</b>  <i>Fee raised from \$40</i> <i>June 27, 2012 -- June 30, 2023</i>	\$60 motion fee in family law cases as specified.	Yes	100% to the State.	Trial Court Trust Fund.	To fund trial court operations.

**Table 9**  
**Civil Fee Distributions**

CODE SECTION	VIOLATION/SITUATION	BANK ACCOUNT GC 68085.1	DISTRIBUTION	APPLICABLE FUND	FUND USE/ SPECIAL PROVISION
<b>H&amp;S 103680 — Additional Fee for Disposition of Human Remains</b>  <i>Amended June 27, 2018</i>	An additional fee of \$3 for issuance of a permit for disposition of human remains pursuant to H&S 103675. \$1 of the fee collected pursuant to subdivision (a).	No	To the local registrar of births and deaths by the applicant for the permit.	To the county treasury.	To be expended for indigent burial.
			By the 10th of the month following the end of each calendar quarter.	<b>To the State Penalty Fund</b>	For the training of peace officer members of county coroners' offices.